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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,837	02/25/2002	Eric Lauper	34415	1296

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EXAMINER

WALLERSON, MARK E

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,837

Applicant(s)

LAUPER ET AL.

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20,22-38 and 40-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20,22-38 and 40-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on 2/10/05.
2. This application has been reconsidered. Claims 1-20, 22-38, and 40-62 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 55, 58, 4, 5, 6, 7, 10, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 31, 35, 36, 37, 38, 41, 42, 43, 45, 61, 49, 50, 51, 52, 53, 54, 56, 57, 59, 60, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruoff, Jr (Ruoff) in view of Sisodia et al (Sisodia) (U.S. 6,312,129).

With respect to claims 1 and 10, Ruoff discloses a method for the transmission and reproduction of image data, in which said image data are transmitted from a sending device (900) to at least one communication terminal (300) and reproduced by image reproducing means (display, 300), the current viewing direction of the communication terminal's user being determined (column 5, lines 48-65), the method comprising the steps of: transmitting first image data with a low resolution over a first transmission channel (which reads on the scene 10) (column 3, lines 3-7), sending the current viewing direction over a reverse channel (705) to said

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sending device (column 3, lines 3-19), transmitting second image data corresponding to the image areas viewed currently. by the at least one user, the second image data being transmitted with a higher resolution (column 3, lines 3-33 and the abstract) and superimposing and simultaneously reproducing the first and second image data in the communication terminal (column 2, lines 29-37).

Ruoff differs from claim 1 in that he does not clearly disclose transmitting the second image data over a second transmitting channel.

Sisodia discloses a projection system wherein high and low resolution image data are transmitted over separate channels (column 3, lines 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff to transmit the high resolution data over a separate channel. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff by the teaching of Sisodia in order to improve the rate of image transmission.

With regard to claims 55, 58, 17, 25, 35, 61, 45, 51, 56, 57, 60, and 62, Ruoff discloses a method for the transmission of image data from a sending device (900) to a communication terminal (300), comprising the steps of transmitting first image data over a first transmission channel (column 3, lines 3-26); retrieving a user viewing direction (column 3, lines 3-12); and transmitting second image data having a higher resolution than said first image data (column 3, lines 20-32, wherein the user viewing direction is utilized such that said second image data corresponds to a viewed image area currently being viewed by the user (the abstract and column 3, lines 20-32), and means for superimposing and simultaneously reproducing the first and second image data in the communication terminal (column 2, lines 29-37).

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Ruoff differs from claims 55, 58, 35, 45, 56, and 62 in that he does not clearly disclose transmitting the second image data over a second transmitting channel.

Sisodia discloses a projection system wherein high and low resolution image data are transmitted over separate channels (column 3, lines 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff to transmit the high resolution data over a separate channel. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff by the teaching of Sisodia in order to improve the rate of image transmission.

With respect to claim 2, Ruoff discloses projecting the image data on the retina of the user (column 2, lines 58-59).

With regard to claims 4, 5, 27, 41, and 42, Ruoff discloses adjusting the size of the image area and that the size of said viewed image area can be adapted to the bandwidth of the transmission channel (column 3, line 67 to column 4, line 8).

With respect to claims 6, 7, 28, and 43, Ruoff discloses transmitting the image in a broadcast mode (television) and as DVB (video) data (the abstract).

With regard to claims 18, 19, 20, 52, 53, and 54, Ruoff discloses the viewing direction is predetermined in accordance with the movement of the viewing point or image data (column 3, lines 3-32).

With respect to claims 22 and 23, Ruoff discloses the image is projected on the retina of the user (column 2, lines 58-59).

With regard to claim 24, Ruoff discloses the image reproducing means are integrated in a different unit (400) from the receiving part (500).

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With respect to claim 31, Ruoff discloses a data carrier reader (520).

With regard to claims 36, 37, and 38, a memory for storing the image data in the terminal is inherent.

With respect to claims 49 and 50, Ruoff discloses determining which segments of the data are to be forwarded to the encoding unit (column 3, lines 50-66).

With regard to claim 59, Ruoff discloses the image data corresponds to a viewed image area predicted of being viewed by the user in the future (column 8, lines 48-65).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 26, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruoff in view of Sisodia as applied to claims 55 and 58 above, and further in view of Trumbull (U.S. 6,454,411).

With respect to claims 3, 26, and 40, Ruoff as modified differs from claims 3, 26, and 40 in that he does not clearly disclose the image is projected onto the fovea of the retina. Trumbull discloses an apparatus for projecting an image onto the foveal area of the retina (column 5, lines 35-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified to project the image onto the fovea. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified

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Ruoff as modified by the teaching of Trumbull in order to allow the user to view the high resolution image more easily.

7. Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruoff in view of Sisodia as applied to claim 55 above, and further in view of Richardson et al (Richardson) (U.S. 6,433,759).

With respect to claim 8, Ruoff as modified differs from claim 8 in that he does not clearly disclose copying the images onto magnetic carriers. Richardson discloses copying the images onto magnetic carriers (column 3, lines 32-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified to store the images on recordable medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified by the teaching of Richardson in order to allow for easy storage of the images.

8. Claims 9, 11, 12, 13, 14, 15, 16, 29, 30, 32, 33, 44, 46, 47, and 48, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruoff in view of Sisodia as applied to claim 55 above, and further in view of Molloy (U.S. 6,078,349).

With regard to claims 9 and 44, Ruoff as modified differs from claims 9 and 44 in that he does not clearly disclose transmitting sound data with the image data. Molloy discloses transmitting sound data with the image data (column 9, line 64 to column 10, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified to include sound with the image data. It would have been obvious to

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one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified by the teaching of Molloy in order to vary the type of data that is transmitted.

With respect to claims 11, 12, 13, 29, 30, 46, and 47, Ruoff as modified differs from claims 11, 12, 13, 29, 30, 46, and 47 in that he does not clearly disclose the transmission channel is a telephone network, radio network or TCP-IP network. Molloy discloses the transmission channel is a telephone network, radio network or TCP-IP network (column 4, lines 4-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified wherein the transmission channel is a telephone network, radio network or TCP-IP network. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified by the teaching of Molloy in order to improve the transmission process of the system.

With regard to claims 14, 15, 16, and 48, Ruoff as modified differs from claims 14, 15, 16, and 48, in that he does not clearly disclose billing for the reproduced images. Molloy discloses billing for the reproduced images (multimedia data – video games) (column 11, lines 23-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified by the teaching of Molloy in order to improve the efficiency of the system.

With regard to claims 32 and 33, Molloy discloses a second receiver (column 10, lines 34-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ruoff as modified by the teaching of Molloy in order to increase the number of users that may use the system.

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Response to Arguments

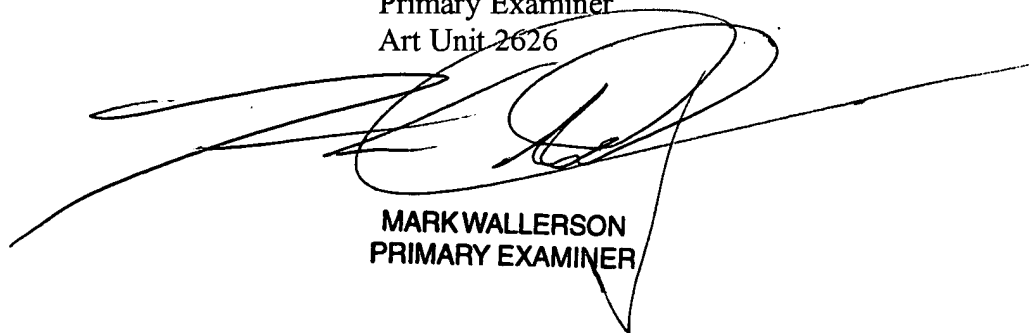
9. Applicant's arguments with respect to claims 1-20, 22-38, and 40-62 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
Art Unit 2626



MARK WALLERSON
PRIMARY EXAMINER